

REMARKS

By this amendment, claims 3, 4, 7 and 8 have been canceled. Therefore, on entering this amendment, claims 1, 2, 5 and 6 are all the claims pending in the application.

Claims 1-8 are rejected under 35 U.S.C. § 101.

Claims 1-6 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

Claims 1 and 3 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete.

Claims 3, 4, 6, 7 and 8 are rejected under 35 U.S.C. 102(a) and (e) as being anticipated by Li et al. (U.S. Patent No. 6,571,005).

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li et al., in view of Tseng et al. (Nucleic Acids Research, 2001, Vol. 29, No. 12, p. 2549-2557) and Quackenbush (Nature, 2002, p. 496).

The Applicants traverse the rejections and request reconsideration.

Claim Rejections Under 35 U.S.C. § 101

Rejection of Claims 1-8 based on non-statutory subject matter

The Applicants respectfully amend the base claims to recite an outputting step explicitly for a speedier prosecution.

Claim Rejections Under 35 U.S.C. § 112, second paragraph

Rejection of Claims 1-6 based on § 112, second paragraph

The amended claims are believed to be proper.

Claim Rejections Under 35 U.S.C. § 102

Rejection of Claims 3, 4, 6, 7 and 8 based on Li et al.

Claim 6 has been amended to depend from claim 5. Claims 3, 4, 7 and 8 have been deleted for a speedier prosecution, rendering the above rejection moot.

Claim Rejections Under 35 U.S.C. § 103

Rejection of Claims 1-5 based on Li et al. in view of Tseng et al. and Quackenbush

As noted above claims 3 and 4 have been deleted rendering their rejections moot. In rejecting claims and 5 based on the above grounds, the Examiner has ignored key mathematical relationships in the claims. The Applicants amend the claims to further clarify the mathematical relationships clearly distinguishing the present invention (as recited in claims 1, 2 and 5) from the combined teachings of Li, Tseng and Quackenbush.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and the same is hereby respectfully requested. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.114(c)
Application No.: 10/671,546

Attorney Docket No.: Q77645

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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